

House File 397 - Introduced

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BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 3)

A BILL FOR

1 An Act relating to remote presence for purposes of notarial
2 acts and executing wills and codicils, and including
3 retroactive applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 9B.14A, subsection 7, Code 2023, is
2 amended to read as follows:

3 7. Before a notary public performs the notary public's
4 initial notarial act under [this section](#), the notary public
5 must notify the secretary of state that the notary public will
6 be performing notarial acts with respect to remotely located
7 individuals and identify the technologies the notary public
8 intends to use. If the secretary of state has established
9 standards under [subsection 8](#) and [section 9B.27](#) for approval of
10 communication technology or identity proofing, ~~the~~ all of the
11 following apply:

12 a. The communication technology and identity proofing the
13 notary public intends to use must conform to the standards.

14 b. If the notary public elects to use identity proofing
15 under subsection 3, paragraph "a", the identity proofing must
16 conform to the standards.

17 Sec. 2. Section 633.279, Code 2023, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 3. *Execution of remote will or codicil*
20 *in counterparts.* When a will or codicil is executed using
21 remote signing under this section, the original document may
22 be executed in one or more counterparts by parties located
23 in different locations, and all such counterparts may be
24 aggregated to comprise the complete will or codicil of the
25 testator.

26 NEW SUBSECTION. 4. *Remote will or codicil under disaster*
27 *proclamation.* Any will or codicil executed using the remote
28 signing procedures permitted under the proclamation of disaster
29 emergency of the governor issued April 2, 2020, and expired
30 February 15, 2022, shall be deemed to satisfy the presence
31 requirements of this section if the will or codicil was
32 executed during the effective period of the proclamation of
33 disaster emergency.

34 NEW SUBSECTION. 5. *Definition.* For purposes of this
35 section, "*presence*" means any manner, physical or electronic,

